IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.154 OF 1999
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The Commissioner of Income tax ..Petitioner.

V/s.

Smt. Vijaya V.Karvekar ..Respondent.

Mr.B.M.Chatterji with Ms.P.P.Bhosle for petitioner in all the applications.

None for the respondent.

CORAM : DR. S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 6TH MARCH, 2007.

ORAL JUDGMENT (PER DR.S.RADHAKRISHNAN, J.)

Heard the learned counsel for the petitioner and the respondent. The above applications were admitted on the following question of law:-

1. Whether the ITAT was right in holding that the order passed by the A.O. cannot be termed as erroneous and prejudicial to the interest of revenue ?

2. Whether the ITAT was justified in setting aside the order U/s.263 passed by the CIT when the assessment order passed by the A.O. was in violation of the Board’s instruction No.1617 dated 18/5/1985 and also it was prejudicial to

the interest of revenue ?

2. The above applications pertain to the assessment years 1985-86, 1986-87, 1987-88 and 1988-88, respectively.

3. The Tribunal had set aside the order under section 263 by relying on the Judgment of our High Court in the case of **Commissioner of Income Tax V/s. Gabriel India Ltd.** reported in **203 I.T.R.108** and also acted upon the instructions contained C.B.D.T. Circular.

4. Since the issue is squarely covered, Rule stands discharged.

5. All the applications are disposed of.

(DR.S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)

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